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In re Application of  
ROY, Arun K. et al.

Application No.: 10/009,420

PCT No.: PCT/US00/15243

Int. Filing Date: 02 June 2000

Priority Date: 04 June 1999

Attorney Docket No.: 4003.002300

For: ESTROGEN RECEPTOR SITE-SPECIFIC  
RIBOZYMES AND USES THEREOF FOR  
ESTROGEN DEPENDENT TUMORS

**DECISION ON**

**PETITION**

**UNDER 37 CFR 1.181**

This decision is in response to applicants' facsimile of 01 August 2002. It has been treated as a petition under 37 CFR 1.181. No petition fee is due.

**BACKGROUND**

On 02 June 2000, applicants filed international application PCT/US00/15243. A demand for international preliminary examination was filed 04 January 2001, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, or 04 December 2001.

On 08 March 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), a sequence listing and a computer readable format were required.

On 06 May 2002, applicants submitted, "Response to Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US) Mailed March 08, 2002."

On 01 August 2002, applicants submitted the instant petition accompanied by a postcard receipt that lists a declaration and a disk.

**DISCUSSION**

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The postcard receipt lists, *inter alia*, declarations and disk. The postcard receipt is date stamped and indicated the application number.

The postcard receipt is adequate evidence that the declarations and disk were received on 06 May 2002.

The petition states that the papers are copies of the documents filed with the Patent Office and of the returned postcard receipt. However, applicants have not provided an additional copy of the computer readable format.

Additionally, it is noted that the declaration submitted consists of one page one, three page two and one page three. It appears that separately executed copies of the declaration have been pieced together to create a composite declaration. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy as executed by the inventor must be furnished to the Office.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter should be addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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